

### **REMARKS**

The present invention is a portable telephone assembly. In accordance with an embodiment of the invention, a portable telephone assembly includes a first telephone portion 200 and a second portion 300 for attachment to a user's wrist. The telephone part comprises a primary power source 280. The first portion is, when detached from the second portion, independently operable as a portable telephone and is arranged to be detachably connectable to the second portion as described in paragraph [0015] of the Substitute Specification. The second portion 300 comprises a battery 315 operable to supplement the primary power source when the first and second portions are connected and the battery comprises rechargeable cells distributed about the second portion.

The portable telephone of the present invention operates as described in paragraph [0020] using "[a] secondary power source (see Fig. 4) which is operable to supplement the power of the primary source, ....the telephones primary battery is supplemented by using the secondary power source to recharge the battery 280 in the telephone emphasis added". The supplemental battery cell 315 provides the ability to downsize the primary power source in the phone. See paragraph [0006] and [0026] of the substitute specification.

Claims 10-13 and 16 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,043,626 (Snyder et al.) in view of WO 98/27702 (Ghassabian). With respect to claim 10 the Examiner reasons as follows:

“Regarding claim 10, Snyder discloses a portable telephone assembly comprising: first (10) and second (15) portions; and wherein the first portion (10) comprises a primary power source (25), is arranged to be detachably connected to the second portion (15) and is independently operable as a portable telephone when detached from the second portion (Col. 3 lines 8-21); the second portion is arranged to be removably attachable to a user (Col. 3 lines 34-40), comprises a battery (40) operable to supplement the primary power source when the first and second portions are connected; and a rechargeable battery (40) in the second portion (Col. 3 line 41-56), but does not expressly disclose multiple distributed cells. Ghassabian discloses a battery in a second portion of a two-portion communication device wherein the battery has multiple cells distributed about a second portion. (Page 10 lines 4-18) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have distributed cells about a second portion to allow more freedom in the shape of the portion allowing for easier attachment, such as a bracelet form (emphasis added)”.

These grounds of rejection are traversed for the following reasons.

The Examiner has misinterpreted the teachings of Snyder to the extent of his conclusion that battery 40 is operable to supplement the primary power source when the first and second portions are connected. Snyder discloses a portable telephone 10 which has a primary battery 25 and an auxiliary battery 40 which is contained in a telephone holder 15 which is intended to be attached by a user's belt. See column 3, lines 27-55. However, the battery charging circuit 450, as illustrated in Figure 9, is operable to recharge the main battery and the auxiliary battery 40. However, the auxiliary battery 40 never provides supplemental energy to the primary battery 25 as recited in claim 10.

The battery charger 450 is supplied by power source 425. See column 6, lines 31-41 wherein the external power source is applied to the battery charger to charge the main battery or the auxiliary battery when external power is present. Furthermore, column 6, lines 66-67 through column 7, lines 1-3 teach that “[w]hen

an external power source 25 is connected at connection 435, battery charging circuitry 450 controls the charging and maintenance of main battery 25 and auxiliary battery 40 through the opening the closing of switches 415 and 420.” What is not disclosed by Snyder which is recited by claim 10 is that the auxiliary battery 40 does not supplement the primary battery source 25 since the charging of the batteries by the battery charger 450 is done to maintain both the auxiliary battery 40 and the main battery 25 in a charged state with the auxiliary battery 40 never providing energy to the main battery 25.

The control of charging by the battery charger 450 is solely for the purpose of maintaining the phone in an operational state when it is either cradled in the holder 25 or is removed therefrom. When the phone is cradled in the holder 25, the primary battery 25 is charged without draining the auxiliary battery 40. See column 8 lines 38-55. Clearly since the charging of the primary battery by the battery charger 450 is stated to not drain the auxiliary batter 40, there is no supplementing of the primary power 25 by the auxiliary battery 40. Accordingly, the Examiner has erroneously interpreted the teachings of Snyder et al.

The citation of Ghassabian is for the purpose of demonstrating that batteries with multiple cells distributed about a second portion are well known. However Ghassabian does not cure the deficiencies noted above with respect to Snyder et al. Accordingly, the rejection of claims 10-13 and 16 as being obvious over Snyder et al. in view of Ghassabian is erroneous and should be withdrawn.

Claims 14 and 15 stand rejected under 35 U.S.C. §103 as being unpatentable over Snyder in view of Ghassabian and further in view of United States Patent 6,275,681 (Vega). Vega has been cited for teaching inductive charging. However,

Vega does not cure the deficiencies noted above with respect to Snyder and Ghassabian.

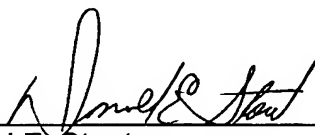
If this response does not place the application in condition for allowance, it is requested that the Examiner call the undersigned to schedule a short telephone interview to discuss the Examiner's decision.

In view of the foregoing remarks it is submitted that the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1156.41081X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

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Attachments

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